

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Harrisburg, Pennsylvania 17120

Judith Hendin
vs.
Metropolitan Edison Company

Public Meeting held April 4, 2024
3003324-OSA
Docket No. C-2018-3003324

MOTION OF VICE CHAIR KIMBERLY BARROW

Before us for consideration is the Petition filed by Complainant Judith Hendin seeking reconsideration of our January 26, 2024 final order. I wish to elaborate on a few of the stated grounds for reconsideration.


First, the Complainant's request for reconsideration based on *Environmental Health Trust*¹ should be rejected. This issue was raised in *Povacz v. Pa. PUC*, 280 A.3d 975, 1003 (Pa. 2022), where the Court concluded that *Environmental Health Trust* provides no guidance because it did not reach the merits of the Federal Communications Commission (FCC) standards and did not constitute "a game changer" as alleged by appellants in that case. Following the *Povacz* Court's conclusions, I believe there is no reason to reconsider or go beyond the *Povacz* Court's analysis. *Environmental Health Trust* "does not support a claim that [radio frequency] emissions at or below the 1996 FCC limits cause adverse human health effects and in no way overcomes the record facts that [Hendin] failed to adduce sufficient evidence to meet the preponderance of the evidence standard."²

Second, with respect to Complainant's new electrosmog arguments, these arguments could have been raised at the outset of the case. Because they are not, they are waived, and offer no persuasive value for changing our order. I would go no further.

THEREFORE, I MOVE THAT:

1. The Petition for Reconsideration is denied consistent with this Motion.
2. The Office of Special Assistants shall prepare an opinion and order consistent with this Motion.

April 4, 2024



Kimberly Barrow, Vice Chair

¹ *Environmental Health Trust v. FCC*, 9 F.4th 893 (D.C. Cir. 2021)

² *Povacz v. Pennsylvania Pub. Util. Comm'n*, 280 A.3d 975, 1009 (Pa. 2022)